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BOARD OF PHARMACY

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY  
DOCKET NO.

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	
MICHAEL SEDOTTI, R.P.	:	CONSENT ORDER
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	
<i>RI 18366</i>	:	

This matter was opened to the New Jersey State Board of Pharmacy upon the receipt of information that between on or about June 1, 1991, and on or about November 30, 1991, Michael Sedotti had allegedly diverted controlled dangerous substances from Spatz Pharmacy and Folis Pharmacy where he had been employed. On January 10, 1992 respondent voluntarily surrendered his license to practice pharmacy.

Respondent appeared before the Board of Pharmacy on January 3, 1994 and testified as to his past chemical dependence and his present course of rehabilitation. In response to questioning by the Board and the Deputy Attorney General, respondent, in his sworn testimony, admitted to having been

chemically dependent on controlled dangerous substances through December of 1991. In January of 1992, respondent successfully participated in a rehabilitation in-patient program and has attended support group meetings on a daily basis since his release.

It appearing that respondent admits to improperly diverting and consuming controlled dangerous substances obtained from his employer's drug stock, and respondent having satisfied the Board that he intends to continue treatment, and it further appearing that the parties wish to resolve this matter without the necessity of further formal proceedings, and for good cause shown,

IT IS THEREFORE, ON THIS *27<sup>th</sup>* DAY OF *Feb.* 1994,

ORDERED THAT:

1. The license of Michael Sedotti, R.P., to practice pharmacy in the State of New Jersey is hereby suspended for four years with credit for the time since January 10, 1992, that he has voluntarily refrained from practicing pharmacy. The first two years of said suspension shall be active; the remaining two years of said suspension shall be stayed and become a period of probation.

2. Respondent shall be on probation for the duration of the stayed suspension commencing January 12, 1994, subject to compliance with paragraphs 3 through 16 herein. If respondent violates any of the provisions of paragraphs 3 through 16 herein, the Board may initiate proceedings to revoke his probationary

status and to actively suspend or revoke his license to practice pharmacy.

3. Respondent shall not be a pharmacist-in-charge or a permit holder of any pharmacy in this State during the entire period of probation.

4. Respondent hereby consents to the entry of an Order of Automatic Suspension of his license without notice upon the Board's receipt of any reliable information such as, but not limited to, a report of a confirmed positive urine from the party responsible for monitoring respondent's urine, or information from any out-patient program or counselor which reveals evidence of substance abuse during the probationary period.

5. Respondent shall have the right to apply for removal of the automatic suspension on two (2) days notice but in such event shall be limited to a showing that urine tested was not his or was a false positive, in the case of urine testing, or that other information submitted was false.

6. Respondent shall have his urine monitored at his own expense on a random, unannounced basis for the entire two (2) year period. Testing shall be performed two times per week for the first six months of the suspension, and one time per week for the second six months of the suspension. Thereafter, random, unannounced urine monitoring shall continue on a bi-monthly basis throughout the second year of the suspension period. The urine specimens shall be performed with direct witnessing by a Board approved monitor. All samples shall be analyzed by Eastern

Laboratories, Limited. The initial drug screen will utilize the EMIT technique and all conforming tests and/or secondary tests will be performed by gas chromatographing/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation thereof.

7. The result of all tests shall be reported directly from Eastern Laboratories, Ltd. to H. Lee Gladstein, Executive Director of the Board or his successor, or his designee in the event he is unavailable. The Board may at anytime alter or modify the manner of the testing directed herein. In the event of any such alteration or modification the Board shall give timely notice of any new testing requirement to the respondent.

8. In the event respondent, Michael Sedotti, is unable to appear for a scheduled urine test due to illness or other impossibility, consent to waive that day's test must be secured from the Board office. The lab or monitor will not be authorized to provide consent. In addition, Mr. Sedotti must provide the Board with any written substantiation which may be obtained for his inability to appear, eg. physician's report.

9. Any failure to appear for a urine test for which consent is not secured from the Board and for which no written substantiation is furnished satisfactory to the Board within two (2) days of such failure to appear, shall be grounds for activation of the suspension upon short notice.

10. Respondent shall continue to comply with the terms

of his Re-entry Contract with Pharmacists Concerned for Pharmacists for the duration of the probationary period.

11. Respondent shall submit quarterly documentation that he attends support group meetings at least three times per week for the duration of the probationary period.

12. Respondent shall give written notice to the Board prior to beginning any job and prior to any change in employment.

13. Respondent shall serve as a pharmacist on duty in total no more than forty (40) hours per week for the duration of the probationary period.

14. In connection with any job in which Mr. Sedotti has access to controlled dangerous substances, he shall disclose his prior drug problem to his employer and serve a copy of the within Order on his employer. Respondent shall cause the Board to receive a letter acknowledging the employer's receipt of the notice required by this paragraph.

15. Respondent shall not use or possess any controlled dangerous substances, except for bona fide medical purposes as deemed necessary by a physician or other authorized prescriber during the entire period of probation. In such event, respondent is to serve notice to the Board in writing. Respondent shall advise any and all treating physicians of his history of drug abuse.

16. At any time during the probation period, the Board may require the appearance of respondent of a meeting for a status conference.

*Edith Tortora Micale R.P.*

Edith Tortora Micale, R.P.,  
President

I have read the within Order  
and understand it. I agree to  
be bound by its terms and hereby  
consent to it being entered by  
the New Jersey Board of Pharmacy.

*Michael Sedotti*

Michael Sedotti, R.P., Respondent